

REMARKS

Claims 1-16 remain in this application. No amendments have been made to the claims, but the specification has been amended to reference the new drawing page described immediately below.

Drawings

The examiner states that the subject matter of this application "admits of illustration by a drawing to facilitate understanding of the invention." Accordingly, the examiner states that applicant is required to furnish a drawing under 37 CFR 1.81(c). Applicant has concurrently filed herewith a drawings page intended to meet the requirements of 37 CFR 1.81(c). No new matter has been added by this drawing page, full support for the page being found throughout the originally-filed specification and claims, most notably in the paragraph beginning on page 3, line 3, and in the paragraph beginning on page 4, line 9. It is requested that the examiner enter this drawing page in the application.

Rejections Under 35 U.S.C. § 112

The examiner has rejected claim 6 under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement, in that, in the examiner's opinion, the claim contained subject matter which is not described in the specification in such a way as to enable one skilled in the art to which it pertains to make and/or use the invention. Specifically, the examiner contends that the function to find H

is not defined or described. Applicant respectfully traverses this rejection.

Contrary to the examiner's position, the community token H is clearly defined and described. On page 4 of the application, beginning on line 9, it is stated:

In one embodiment of the invention, applicable especially to certain poker games, the method can further comprise the steps of, after the predetermined number of tokens are distributed to each player, a community token H, useable by all players, is chosen by obtaining from each player  $P_i$  a new unit  $J_i$  and determining the community token H by a predetermined algorithm where  $H=f(J_1, \dots, J_n)$ , H being wholly a function of the new units  $J_i$ .

Accordingly, the community token H is clearly described as a token "useable by all players" and one "chosen by obtaining from each player  $P_i$  a new unit  $J_i$  and determining the community token H by a predetermined algorithm where  $H=f(J_1, \dots, J_n)$ , H being wholly a function of the new units  $J_i$ ."

The term "algorithm" as used in the application is set forth in the paragraph beginning on page 3, line 3 of the application to mean "a set of rules for determining the identity of a particular parameter. The rules can include a single mathematical formula, a series of formulae and/or one or more predetermined processing steps." Examples of algorithms are

described in Example 1 in the application for choosing the unit  $C$  and for assigning cards  $G_i$ . In Example 1, the algorithm for choosing  $C$  is " $C = \sum B_i$ ." The algorithm for assigning cards  $G_i$  in Example 1 is "each player's first unit  $[A_i]$  is added to  $C$  to yield an intermediate value  $I_i$ , i.e.,  $I_i = A_i + C$ . Thereafter, if  $I_i$  is within the range 1-52, the card assigned to the player  $P_i$  is chosen from a matrix in which each card is assigned a unique number between 1 and 52. If  $I_i$  is greater than 52, the number 52 is repeatedly subtracted from  $I_i$  until a value is obtained which is within the range 1-52. That value is used to assign a card to player  $P_i$  using the matrix."

Thus, the concept of a predetermined algorithm is clearly defined and explained, as is the algorithm for choosing the community token  $H$ :  $H = f(J_1, \dots, J_n)$ . Each  $J_i$  is clearly explained as being obtained from each player  $P_i$ .

Accordingly, the examiner is in error when he states that one of ordinary skill in the art could not make or use the invention described in claim 6. Clearly, one of ordinary skill in the art would find it a simple task to determine and use a function (algorithm) to define and use the community token  $H$ . One of ordinary skill in the art reading the application would appreciate that no particular function  $f(J_1, \dots, J_n)$  need be used. Any of an infinite number of appropriate functions  $f(J_1, \dots, J_n)$  can be used so long as such function is predetermined and so long as the import of each player's chosen unit  $J_i$  will yield a single and appropriate value for  $H$ . No amount of undue experimentation need be used to construct such an appropriate function.

Thus, applicant respectfully submits that this rejection of claim 6 under 35 U.S.C. 112, first paragraph, is in error and should be withdrawn.

Claims 1 and 6 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards the invention. The examiner states that the first unit  $A_i$ , the second unit  $B_i$ , the third unit C and the unit  $J_i$  are undefined as to what these units represent. The examiner further states that the functions that define C,  $G_i$  or H are not defined in the claim. Applicant respectfully traverses this rejection.

Contrary to the examiner's position, the first unit  $A_i$ , the second unit  $B_i$ , the unit C and the unit  $J_i$  are all sufficiently defined in the application so that they can be appropriately derived and used by those of ordinary skill in the art. The first unit  $A_i$  is stated to be any first unit  $A_i$  chosen by a player  $P_i$ . Similarly, each  $B_i$  is stated to be any second unit chosen by each player  $P_i$ . The application teaches by way of example that each  $A_i$  can, in one example, be chosen from integers between 1 and 52 (see Example 1). Similarly, in Example 1, the application teaches that  $B_i$  can be chosen, for example, from a set of integers between 1 and 100.

C is clearly described in the application as merely being a function of the aggregate of each  $B_i$  (" $C = f(B_1, \dots, B_n$ "). In Example 1 of the application, an example of such an algorithm is given: " $C = \sum B_i$ ".

As noted above, the paragraph of the application

beginning on page 4, line 9, indicates that  $J_i$  is a new unit provided by each of the players. It is further indicated how each of the new units  $J_i$  is used to provide a common token H using the predetermined algorithm  $f(J_1, \dots, J_n)$ .

Accordingly, those of ordinary skill in the art would readily recognize from the application that the units  $A_i$ ,  $B_i$  and  $J_i$  are any convenient units usable in the method to derive the values of C,  $J_i$  and H. Those of ordinary skill in the art would also recognize that each of these units can conveniently be integers and that these units are used in predetermined algorithms which can be any of an infinite number of appropriate algorithms which yield distinct values for C,  $J_i$  and H. Examples of simple algorithms are provided in the application to further clarify how the values of  $A_i$ ,  $B_i$  and  $J_i$  are chosen and used in the method.

Also in contrast to the position of the examiner, functions that define C,  $J_i$  and H are sufficiently defined in the claims so as to be appreciated and understood by those of ordinary skill in the art. Claims are interpreted in light of the specification, and, as described above, functions that define C,  $G_i$  and H are clearly explained in the specification as being of any of an infinite number of appropriate functions which yield C,  $G_i$  and H from their respective components. In the case of C, the components are  $B_i$ . In the case of  $B_i$ , the components are  $A_i$  and C. In the case of H, the components are  $J_i$ .

As described above, the concept of choosing predetermined functions which yield C,  $G_i$  and H are clearly described to the understanding of those of ordinary skill in the

art, including specific examples of several appropriate algorithms.

Thus, those of ordinary skill in the art would readily recognize what the units  $A_i$ ,  $B_i$ ,  $C$  and  $J_i$  are and how to use those units to define  $C$ ,  $G_i$  and  $H$ .

Accordingly, applicant respectfully submits that the rejection of claims 1 and 6 under 35 U.S.C. § 112, second paragraph, is in error and should be withdrawn.

**Rejections Under 35 U.S.C. § 102**

Claims 1-4, 6-11 and 13-15 are rejected under 35 U.S.C. § 102(b) as being anticipated by the "game of poker." Applicant respectfully traverses these rejections.

Each of claims 1-13 is limited to methods of distributing game tokens comprising the steps of:

- (a) obtaining from each player  $P_i$  a first unit  $A_i$ , wherein each  $A_i$  is chosen from a finite set of discrete candidate first units; and
- (b) obtaining from each player  $P_i$  a second unit  $B_i$ , wherein each  $B_i$  is chosen from a finite set of discrete candidate second units.

Similarly, each of claims 14-16 is limited to methods of distributing playing cards comprising the steps of:

- (b) entering into the computer a first unit  $A_i$ , where each  $A_i$ , is chosen from a finite set of discrete candidate first units;
- (c) entering into the computer a second unit  $B_i$ , wherein each  $B_i$  is an integer chosen from a finite set of discrete candidate integers.

Contrary to the position of the examiner, there are no known rules in the "game of poker" wherein each known player provides a first unit  $A_i$  and a second unit  $B_i$ . Under ordinary rules of the "game of poker", each player is provided individual units (cards), but individual players do not, themselves, provide any units  $A_i$  or  $B_i$ .

Furthermore, each of claims 1-13 is limited to methods of distributing game tokens comprising the steps of:

- (c) deriving a third unit C using a predetermined algorithm where  $C = f(B_1, \dots, B_n)$ ;
- (d) assigning a previously unassigned game token  $G_i$  to each player from a predetermined algorithm where  $G_i = f(A_i, C)$ .

Similarly, each of claims 14-16 is limited to methods of distributing playing cards comprising the steps of:

- (d) deriving, using the computer, a constant C from a predetermined algorithm where  $C = f(B_1, \dots, B_n)$ ;

- (e) using the computer, assigning a previously unassigned card  $G_i$  to each player from a predetermined algorithm where  $G_i = f(A_i, C)$ .

In all known forms of prior art poker, game tokens  $G_i$  (cards) are dealt to each player randomly after shuffling a deck and are not assigned via a predetermined algorithm  $C = f(B_1, \dots, B_n)$  and  $G_i = f(A_i, C)$ . Accordingly, the rejection of claims 1-4, 6-11 and 13-15 as being anticipated by the "game of poker" is in error and should be withdrawn.

**Rejections Under 35 U.S.C. § 103**

Claims 1-16 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Yoseloff (U.S. Pat. No. 6,386,973) and further in view of Rapp (U.S. Pat. No. 4,713,787). Applicant respectfully traverses these rejections.

As explained above, claims 1-13 are limited to methods of distributing game tokens comprising the steps of:

- (a) obtaining from each player  $P_i$  a first unit  $A_i$ , wherein each  $A_i$  is chosen from a finite set of discrete candidate first units;
- (b) obtaining from each player  $P_i$  a second unit  $B_i$ , wherein each  $B_i$  is chosen from a finite set of discrete candidate second units;
- (c) deriving a third unit  $C$  using a predetermined algorithm where  $C = f(B_1, \dots, B_n)$ ;
- (d) assigning a previously unassigned game token  $G_i$  to



each player from a predetermined algorithm where  $G_i = f(A_i, C)$ .

Also as described above, claims 14-16 are limited to methods of distributing playing cards comprising the steps of:

- (b) entering into the computer a first unit  $A_i$ , where each  $A_i$ , is chosen from a finite set of discrete candidate first units;
- (c) entering into the computer a second unit  $B_i$ , wherein each  $B_i$  is an integer chosen from a finite set of discrete candidate integers;
- (d) deriving, using the computer, a constant  $C$  from a predetermined algorithm where  $C = f(B_1, \dots, B_n)$ ;
- (e) using the computer, assigning a previously unassigned card  $G_i$  to each player from a predetermined algorithm where  $G_i = f(A_i, C)$ .

Neither Yoseloff nor Rapp disclose or fairly suggest any such steps. Accordingly, the rejection of claims 1-16 under 35 U.S.C. § 103(a) lacks a *prima facie* case of obviousness.

Thus, those of ordinary skill in the art reading both Yoseloff and Rapp would not be induced or encouraged to choose game tokens  $G_i$  based upon the input from individual players  $P_i$  of player-chosen units  $A_i$  and  $B_i$  according to predetermined algorithm  $C = f(B_1, \dots, B_n)$  and  $G_i = f(A_i, C)$ .

Accordingly, no reading of Yoseloff and Rapp would make obvious any of the claims of the present application. The rejection of claims 1-16 under 35 U.S.C. § 103(a) is, therefore, in error and should be withdrawn.

CONCLUSION

For the reasons set forth above, applicant respectfully submits that all of the claims remaining in the application are now in condition for allowance. Accordingly, reconsideration, reexamination and allowance of all claims is requested.

Respectfully submitted,

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